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EXAMINER	
CHOI, PETER H	

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/918,107	AURRICHIO ET AL.	
	Examiner	Art Unit	
	Peter Choi	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 June 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26 and 28-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26 and 28-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 26, 2006 has been entered.

Response to Amendment

2. Applicant's amendment filed June 26, 2006 amended claims 1-23 and 28-55 and canceled claim 27.

3. The rejection of claims 1-26, and 28-55 raised under 35 U.S.C. 112, first paragraph are withdrawn in view of Applicant's amendments to the claims.

Response to Arguments

4. The following arguments made by the Applicant, filed June 26, 2006 have been fully considered but they are not persuasive.

In the previous Office Action mailed February 27, 2006, notice was taken by the Examiner that certain subject matter is old and well known in the art. Per MPEP 2144.03(c), these statements are taken as admitted prior art because no traversal of this statement was made in the subsequent response. Specifically, it has been taken as prior art that:

- It is old and well known in the art to include instructions and definitions along with performance informationIt is old and well known in the art that forms are used in transmitting data (such as Electronic Data Interchange, survey results, questionnaires, facsimile, e-mail, etc.)It is old and well known in the business arts that an organization can comprise a single site, or multiple sitesDistributing notification memos or documents using e-mail, telephone, facsimile, pager, or postal mail is old and well-known practiceIt is old and well known in the art to employ a ratio (such as a cost: savings, cost: benefit ratio) or similar means of comparison to express the advantages of using new technologies, equipment, policies, etc. and are used to evaluate efficiency of resourcesAccess control privileges are established by a system administrator and users are granted different privileges that reflect their standing within the organization
- It is old and well known in the computing arts that computer operating systems use Master File Tables to store resident attributes for each computer file, including the filename, data, times of creation/modification or access and the user who last created/modified/accessed said file

- It is old and well known in the computing arts to create audit trails of data usage within the system, especially within databases
- Querying and querying languages (such as Structured Query Language {SQL}) are old and well kwon in the computing and database arts
- It is old and well known in the computing arts and database arts that database queries select records from one or more tables in a database according to a set of input parameters so that they can be viewed, stored, analyzed, on a common datasheet
- Compliance data needs to be updated to reflect changes in federal, state, and local laws and regulations, program requirements of federal and state-funded programs, and industry standards (such as ISO certification, Quality Control Initiatives, etc.), as well as self-imposed rules and regulations

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-6, 9-13, 15-17, 19-24, 28-32, 34-43, 46-50, and 52-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beldock (U.S Patent #6,490,565).

As per claim 1, Beldock teaches a method for monitoring environmental performance information **(environmental certification program)** and providing notification when said performance information indicates performance reaching a predetermined level, the method comprising the steps of:

(a) setting performance criteria **(program defines the criteria which must be met by a participant in the program in order to be in compliance)** to capture performance information **(compliance with predefined program criteria, including energy efficiency, use of renewable energy, recycling, waste minimization, health and safety, reduction of environmental liabilities, and corporate citizenship)** at specific times by a predetermined schedule **(participant is approved for certification at 18, preferably within two months of 'year 0'; compliance certification is performed every year {a plurality of compliance requirements for year 1, year 2, year 3, year 4, year 6, year 8 and every two years thereafter are disclosed})** in a system [Column 3, lines 28-34, Column 4, lines 45-46, Column 4, line 54 – Column 5, line 31, Column 5, lines 55-63; Claim 1A];

(c) storing said performance information in a database **(compliance data is entered at 16 into database 12)** as a according to an area of interest of said performance information **(the compliance criteria is based on profitable environmental measures, or PEMs, which are directed to areas of interest such as energy efficiency, the use of renewable energy, recycling, waste minimization, health and safety, reduction of environmental liabilities, and corporate**

citizenship) [Column 3, lines 30-38, 56-57, Column 4, lines 41-43, Column 5, lines 55-57, Claims 1c, 15c];

(d) monitoring said performance information for conformance with said performance criteria as it is currently stored **(evaluate and track the compliance of a participant; program defines the criteria which must be met by a participant in the program in order to be in compliance; the participant must implement (and maintain) a predefined number of additional PEMs at specified years after certification in order to maintain certification; {participant is evaluated at year 0, year 1, year 2, year 3, year 4, and year (4+2n)})** [Column 3, lines 28-30, 56-57, 60-65, Column 4, lines 7-9, Figure 3, Claims 1a, 15a];

(e) flagging said performance information that does not conform with said performance criteria **(recording a non-compliance in the database; system outputs at 18 whether the participant is in compliance and therefore certified or outputs at 20 whether the participant is not in compliance and is therefore not certified)** so that a report can be generated **(compliance status)**, either automatically or manually, according to at least a portion of said performance information currently stored [Column 3, lines 56-57, 60-66, Claims 1f, 15f];

(f) providing notification **(system outputs at 18 whether the participant is in compliance and therefore certified or outputs at 20 whether the participant is not in compliance and is therefore not certified)** when said performance information deviates from said performance criteria **(identified profitable environmental measure are reported to the organizers of the environmental certification program and**

input into the database 12; participant reports its compliance {or non-compliance} with the program to the organizers of the program) [Column 3, lines 59-66, Column 4, lines 40-43, Column 5, lines 55-57];

(g) modifying said performance so that said performance conforms with said performance criteria **(participants are given a short period of time in which to correct any inadvertent defects in its compliance)** [Column 6, lines 4-6]; and

(h) wherein said modifying said performance is conducted immediately subsequent to said providing notification when said performance information deviates from said performance criteria **{the participant is apprised of its failure to comply with particular requirements, which are allowed to be remedied during the brief grace period}** [Column 5, line 64 – Column 6, line 9].

Beldock does not explicitly teach:

(b) accepting a plurality of forms from a plurality of sites at specific times by said predetermined schedule, each of said forms including instructions, definitions and said performance information according to uniform data definitions.

However, Beldock collects performance information from a plurality of facilities to assess program compliance with predefined criteria based on a function of performance at a plurality of facilities (the program requires that 4 profitable environmental measures are presently implemented at at least one facility, 4 profitable environmental measures are implemented in at least one facility, or a combination, and that said profitable

environmental measures are implemented in 75% of all facilities within 3 years of initial certification in order to maintain certification) [Column 4, line 4- Column 5, line 53]. The environmental certification program taught by Beldock also teaches the step of obtaining certification compliance data after assessment (at specific times) of each year's predetermined certification conditions for compliance (as determined by a set of predetermined certification criteria for each year), as compliance data is entered into the database [Column 3, lines 59-60, Column 5, lines 55-63]. Furthermore, the Beldock system provides uniform criteria for participants in the program, as the terms of compliance are the same for all participants [Column 2, lines 42, 59-60], thus the performance information is a function of uniform data definitions (compliance criteria).

It has been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that it is old and well known in the art to include instructions and definitions along with performance information. Beldock teaches an environmental certification program that defines a plurality of predefined criteria which must be met by a participant in the program [Column 2, lines 10-13]; therefore, instructions and definitions would enable the user to correctly interpret data and compliance according to said predefined criteria. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Beldock to accept instructions and definitions along with performance information, because doing so would allow Beldock to understand and interpret the performance information, and would further provide the user with further instructions for usage of the performance information.

While Beldock teaches the step of collecting performance information data from a plurality of sites, Beldock is silent regarding the use of forms.

However, a form is merely a document with blank spaces for insertion of required or requested information, which are usually transferred to a computer database for storage and subsequent analysis. Beldock teaches the step of entering compliance data into the database, which inherently included the step of creating or filling out a document with the required/requested compliance information, thus implying the use of forms in the Beldock system.

Furthermore, it has been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that forms are used in transmitting data (such as Electronic Data Interchange, survey results, questionnaires, facsimile, e-mail, etc.). Beldock tracks the compliance of a participant in the environmental certification program and also conducts on-site verification of compliance [Column 2, lines 21-23, Column 3, lines 55-57]; thus, using forms to enter data would provide a uniform data set for each participant, easing the burden of data processing and further enabling utilization of the Beldock system on a global scale. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Beldock to use forms to transmit performance information, because the resulting combination would enable the use of data transfer means such as Electronic Data Interchange, and

standardize the presentation of data on said forms (to include pre-filled data such as company name, address, etc.), which would enable the automated processing of information on the forms and automates the process of providing access to information, facilitating the sharing of information with downstream processes (such as manufacturing, marketing, purchasing, and sales).

Beldock does not explicitly teach said modifying of said performance occurring in real time. However, Official Notice is taken that real-time updating is old and well known in the art. Beldock teaches that participants are given a short period of time in which to correct any inadvertent defects in its compliance [Column 5, line 65 – Column 6, line 19]; thus, modifying performance in real time would facilitate the changes needed to correct all aspects in which the participant is in non-compliance, thereby making the participant eligible to use the certification mark again. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Beldock to modify performance in real time, because doing so would allow participants to continuously monitor performance and implement corrective measures in order to be in compliance with predefined criteria and retain eligibility to display said certification mark. The eligibility to display certification marks and be in compliance with predefined criteria has been identified by Beldock as being beneficial and a goal of participants, as Beldock explains that companies vie for environmental awards given by the government for the prestige associated with such awards, perceived economic value, and public awareness and that the certification mark provided by the program

has discernable value in the marketplace, signifying the participant's dedication to environmental concerns and the willingness to be a model environmental citizen. [Column 1, lines 32-52].

As per claims 2-5, Beldock teaches monitoring the currently stored performance information of a specific set of sites for conformance with site-specific performance criteria **(additional profitable environmental measures must be implemented in one of the organization's facilities in order to maintain the privilege of using the certification mark {indicating compliance with the criteria of the program})** [Column 4, lines 55-57].

It has been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that an organization can comprise a single site, or multiple sites. Beldock conducts on-site verification of participant certification; thus, the application of Beldock on a plurality of sites belonging to a single participant would expand the certification abilities of Beldock to include participants with multiple facilities. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to practice the teachings of Beldock over a single site or a plurality of sites, because doing so would expand its ability to comprehensively evaluate compliance by applicants located in multiple sites.

As per claim 6, Beldock does not explicitly teach said step of providing notification further comprises sending notification via one or more of:

e-mail;

telephone;

facsimile;

pager; and

postal mail.

However, it has been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that distributing notification memos or documents using e-mail, telephone, facsimile, pager, or postal mail is old and well-known practice. Beldock reports participant's compliance with the program for input into a database [Column 5, lines 55-57]; thus, the Examiner asserts that one of ordinary skill in the art would employ well known communication means to transmit said reports. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to employ said old and well-known means because doing so would allow Beldock to conveniently and quickly (quicker than traditional (mail) delivery means) distribute notification in user-friendly formats to necessary, globally dispersed recipients.

As per claim 9, Beldock teaches the method of claim 1, wherein said areas of interest include one or more of:

air **(air pollution)** [Figure 1d];

water **(water contamination)** [Figure 1d];

waste **(recycling; waste minimization)** [Figures 1b, 1c];

energy [Figures 1a, 1b];

toxic chemical release inventory;

containment **(removal of radon, asbestos, lead)** [Figure 1d];

regulatory activity;

cost and savings **(use of energy efficient items, renewable energy, recycling, minimizing waste)** [Figures 1a, 1b, 1c];

facility general information;

database meta information;

health and safety information [Figure 1c]; and

materials use and conservation information **(use of energy efficient items, renewable energy, recycling, minimizing waste)** [Figures 1a, 1b, 1c].

As per claim 10, Beldock teaches the method of claim 1 wherein said database is an Air Programs Database **(air pollution)** and the performance criteria is a high limit on emissions level **(reducing site air pollution)** [Figure 1d].

As per claim 11, Beldock teaches the method of claim 1 wherein said database is a Waste Management Database **(Waste Minimization)** and the performance criteria is a low limit on recycling quantities and percentage rates of nonhazardous waste **(water conservation and water saving technologies, low-moisture landscaping, efficient**

material use, hazardous materials safety, energy efficient apparel, efficient equipment use, environmentally-friendly cleaning products) [Figure 1c].

As per claim 12, Beldock teaches the method of claim 1 wherein said database is an Energy Database **(Energy Efficiency, and Use of Renewable Energy)** and said performance criteria is a high limit on energy consumption **(use of energy efficient lighting technology, commercial appliances, heating and air conditioning, water heating, commercial/industrial technologies and mechanical systems, commercial equipment, windows, insulation, doors, office equipment, solar water heating, use of renewable technologies, alternatively fueled vehicles)** [Figures 1a, 1b].

As per claim 13, Beldock does not explicitly teach that said database is a Cost and Savings Database and said performance criteria is a low limit on cost to savings ratio to ensure that economic efficiency does not fall below a predetermined level.

However, it has been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, to employ a ratio (such as a cost: savings, cost: benefit ratio) or similar means of comparison to express the advantages of using new technologies, equipment, policies, etc. and are used to evaluate efficiency of resources.

Beldock evaluates participants according to a plurality of predefined criteria that include a number of "profitable environmental measures" that are profitable to the participant [Column 2, lines 17-32]; thus, using economic efficiency ratios would provide an indicator of effective and cost-efficient measures. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Beldock to track costs and savings data in a database to determine the efficiency and cost: benefit ratio of implementing various programs, technologies, and equipment to be used as a tool in assessing the effectiveness of such changes in company policy.

As per claim 15, Beldock does not explicitly teach assigning a specific access level to a user, wherein the access level further comprises:

reader;

author; and

editor,

wherein said reader is limited to viewing documents, author can view said documents, create said documents, and modify said documents created by said author, and the editor can read, create and modify all said documents.

However, it has been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that access control privileges are established by a system administrator and that users are granted different privileges that reflect their standing within the organization. Access privileges based on authority levels would give

a user permission to access any data classified at the user's clearance level or lower. Access permission based upon a need-to-know basis provides an additional degree of security. Document level security ensures that users are able to access (or create or modify) only the documents they are allowed to see (or modify). By storing user profiles, users are enabled to view documents they have permission to see without being challenged to specify their access credentials.

Beldock stores compliance data on a database; thus establishing user access levels and privileges would ensure that only authorized users are able to view documents, and only able to view documents to which they have authority to access. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Beldock to implement data access control privilege measures known in the art in order to obtain the additional benefits of additional data security as described above.

As per claim 16, Beldock does not explicitly teach automatically creating an audit trail to the forms, wherein said audit trail comprises:

a name of an author;

a creation data;

a name of a modifying user; and

a date of modification.

However, It has been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that it is old and well known in the computing arts that computer operating systems use Master File Tables to store resident attributes for each computer file, including the filename, data, times of creation/modification or access and the user who last created/modified/accessed said file.

Beldock stores data in a database; thus, using Master File Tables would provide means of tracking activity by users to track the integrity of data using audit trails. Furthermore, it has been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that it is old and well known in the computing arts to create audit trails of data usage within the system, especially within databases. Audit trail techniques contribute to data integrity because it is desirable to have a past record of events where the sequence of events can be traced. Audit trails are helpful in investigations to verify the status of something or to determine where or when unauthorized activities took place. Sometimes, those who are authorized to access data abuse that right by using it for unauthorized purposes. Audit trails make it possible to discover the offender. The audit trail can be closely monitored for any unusual activity. An audit trail is a chronological record of events that occurred in the system, and enables users to retrace the steps through the system and reconstruct the sequence of events that occurred. Audit trails store information that attribute files to an author (or modifying user) and timestamp said file (upon creation and modification).

Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Beldock to implement audit trail measures known in the art in order to obtain the additional benefits of providing a historical record of events that enable users to determine the abusive actions and identifies of (authorized and unauthorized) users, as described above, providing a sense of accountability and responsibility amongst users.

As per claim 17, Beldock does not explicitly teach creating queries to summarize data and produce useful management information.

However, it has been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that querying and querying languages (such as Structured Query Language {SQL}) are old and well known in the computing and database arts.

Beldock stores compliance data in a database; thus, the use of querying languages would enable users to search for specific data using search queries. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Beldock to include the step of creating data queries, as the step of querying a database quickly retrieves useful and relevant data (instead of raw, unprocessed, and irrelevant data), which provide meaningful information on which decisions can be made.

As per claim 18, Beldock does not explicitly teach that said creating step further comprises sorting by a specific chemical.

However, it has been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that it is old and well known in the computing and database arts that database queries select records from one or more tables in a database according to a set of input parameters so that they can be viewed, sorted, analyzed, on a common datasheet. Furthermore, there are a plurality of rules, regulations, and laws governing the usage of chemicals and the composition of chemical products. The compositional information is reviewed periodically for opportunities to change to processes that are more environmentally friendly.

Beldock stores data in a database; thus, sorting data enables users to avoid inefficiently scanning large clusters of data to analyze data. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Beldock to include the step of sorting data by chemical, in order to compare chemical compositions to a stored set of government regulatory standards to determine compliance and assess a chemical's use rate and disposition for compliance with a plurality of regulations, rules, and laws.

As per claim 19, Beldock teaches a system for monitoring environmental performance **(environmental certification program)** information comprising:

a program executable by the processor to:

store the performance information in a database **(compliance data into database 12)** as a function of an area of interest **{compliance data relates to a plurality of profitable environmental measures, each of which pertaining to a plurality of areas of interest such as energy efficiency, the use of renewable energy, recycling, waste minimization, health and safety, reduction of environmental liabilities, and corporate citizenship}** of the performance information [Column 3, lines 31-38, 56-57, Column 4, lines 41-43, Column 5, lines 55-57, Claims 1c, 15c];

monitor said performance information at said specific times by said predetermined schedule currently stored for conformance against pre-established performance criteria **(evaluate and track the compliance of a participant; program defines the criteria which must be met by a participant in the program in order to be in compliance; the participant must implement (and maintain) a predefined number of additional PEMs at specified years after certification in order to maintain certification; {participant is evaluated at year 0, year 1, year 2, year 3, year 4, and year (4+2n)})** [Column 3, lines 28-30, 56-57, 60-65, Column 4, lines 7-9, Figure 3, Claims 1a, 15a] in a system;

flag said performance information that does not conform with said performance criteria **(recording a non-compliance in the database)** so that a report **(compliance status)** can be generated, either automatically or manually, at least a portion of said performance information in currently stored databases [Claims 1f, 15f];

provide notification **(system outputs at 18 whether the participant is in compliance and therefore certified or outputs at 20 whether the participant is not in compliance and is therefore not certified)** when said performance information deviates from said performance criteria **(identified profitable environmental measure are reported to the organizers of the environmental certification program and input into the database 12; participant reports its compliance {or non-compliance} with the program to the organizers of the program)** [Column 3, lines 59-66, Column 4, lines 40-43, Column 5, lines 55-57].

Beldock does not explicitly teach:

a processor;

a data storage device operably connected to the processor, said data storage device further comprising a number of individual storage units for storing a predetermined type of data; and

system accepting a plurality of forms from a plurality of sites at specific times by said predetermined schedule, each of said forms including instructions, definitions, and performance information according to uniform data definitions.

However, Beldock teaches the use of a database **(database 12)** to store data. The use of a database inherently requires the use of computing devices (which include a processor) and databases are operably connected to computing devices; thus Beldock meets the limitations of the claim.

Beldock collects performance information from a plurality of facilities to assess program compliance with predefined criteria based on a function of performance at a plurality of facilities (the program requires that 4 profitable environmental measures are presently implmemented at at least one facility, 4 profitable environmental measures are implemented in at least one facility, or a combination, and that said profitable environmental measures are implemented in 75% of all facilities within 3 years of initial certification in order to maintain certification) [Column 4, line 4- Column 5, line 53]. The environmental certification program taught by Beldock also teaches the step of obtaining certification compliance data after assessment (at specific time) of each year's predetermined certification conditions for compliance (as determined by a set of predetermined certification criteria for each year) [Column 5, lines 55-63]. The Beldock system also obtains a bill of materials (a definition) comprising the chemical components of chemical products to be manufactured that can be compared to a "recipe" used to manufacture the chemical product, which is then compared to a stored set of government regulatory standards (uniform data definitions) governing the manufacturing location for the manufactured chemical product [Column 1, lines 56-59,

Column 2, lines 45-54]. The Beldock system also teaches the steps of proposing (or defining) modifications to noncomplying chemical products (so that the chemical product to be manufactured is in compliance), and suggesting (or defining) substitutions for components in mixtures [Column 2, lines 60-65].

While Beldock teaches the step of collecting performance information data from a plurality of sites, Beldock is silent regarding the use of forms. However, it is old and well known in the art that forms are used in transmitting data (such as Electronic Data Interchange, survey results, questionnaires, etc.). Beldock tracks the compliance of a participant in the environmental certification program and also conducts on-site verification of compliance [Column 2, lines 21-23, Column 3, lines 55-57]; thus, using forms to enter data would provide a uniform data set for each participant, easing the burden of data processing and further enabling utilization of the Beldock system on a global scale. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Beldock to accept performance information in forms, to enable the use of data transfer means such as Electronic Data Interchange, and standardize the presentation of data on said forms (to include pre-filled data such as company name, address, etc.), which would enable the automated processing of information on the forms.

As per claim 38, Beldock teaches computer executable process steps operative to control a computer, stored on a computer readable medium, for monitoring performance information comprising the steps of:

storing said performance information in a database **(compliance data into database 12)** according to an area of interest of said performance information [Column 3, lines 56-57, Column 4, lines 41-43, Column 5, lines 55-57, Claims 1c, 15c];

monitoring said performance information at said specific times by said predetermine schedule currently stored for conformance against pre-established performance criteria **(evaluate and track the compliance of a participant; program defines the criteria which must be met by a participant in the program in order to be in compliance; the participant must implement (and maintain) a predefined number of additional PEMs at specified years after certification in order to maintain certification; {participant is evaluated at year 0, year 1, year 2, year 3, year 4, and year (4+2n)})** [Column 3, lines 28-30, 56-57, 60-65, Column 4, lines 7-9, Figure 3, Claims 1a, 15a];

flagging said performance information that does not conform with said performance criteria **(recording a non-compliance in the database)** so that a report can be generated, either automatically or manually, according to at least a portion of said performance information in said plurality of databases [Claims 1f, 15f];

providing notification **(system outputs at 18 whether the participant is in compliance and therefore certified or outputs at 20 whether the participant is not in compliance and is therefore not certified)** when the performance information

deviates from the performance criteria **(identified profitable environmental measure are reported to the organizers of the environmental certification program and input into the database 12; participant reports its compliance {or non-compliance} with the program to the organizers of the program)** [Column 3, lines 59-66, Column 4, lines 40-43, Column 5, lines 55-57].

Beldock does not explicitly teach:

(b) system accepting a plurality of forms from a plurality of sites, each of the forms including performance information as a function of uniform data definitions.

Beldock collects performance information from a plurality of facilities to assess program compliance with predefined criteria based on a function of performance at a plurality of facilities (the program requires that 4 profitable environmental measures are presently implmemented at at least one facility, 4 profitable environmental measures are implemented in at least one facility, or a combination, and that said profitable environmental measures are implemented in 75% of all facilities within 3 years of initial certification in order to maintain certification) [Column 4, line 4- Column 5, line 53].

While Beldock teaches the step of collecting performance information data from a plurality of sites, Beldock is silent regarding the use of forms. However, it is old and well known in the art that forms are used in transmitting data (such as Electronic Data Interchange, survey results, questionnaires, etc.). Beldock tracks the compliance of a

participant in the environmental certification program and also conducts on-site verification of compliance [Column 2, lines 21-23, Column 3, lines 55-57]; thus, using forms to enter data would provide a uniform data set for each participant, easing the burden of data processing and further enabling utilization of the Beldock system on a global scale. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Beldock to accept performance information in forms, to enable the use of data transfer means such as Electronic Data Interchange, and standardize the presentation of data on said forms (to include pre-filled data such as company name, address, etc.), which would enable the automated processing of information on the forms.

7. Claims 7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beldock (U.S Patent #6,490, 565) as applied to claim 1 above, and further in view of Petke et al (U.S Patent #6,163,732).

As per claim 7, although not explicitly taught by Beldock, Petke et al. teaches said providing notification further comprises **(automatically)** notifying an environmental professional **(notifying a governmental authority)** [Claim 31].

Beldock is directed to defining compliance criteria and recording an organization's compliance (or non-compliance) with said criteria. Petke et al. is directed to determining the compliance of chemical products to government regulations. Thus,

both Beldock and Petke et al. are both directed to the analogous art of determining an organization's compliance to specific criteria.

Beldock stores compliance data in a database, which is used to evaluate the participant's compliance and determine whether the participant retains the privilege of displaying a certification mark in conjunction with its goods and advertisements; thus, notifying environmental professionals of performance would enable compliant participants to be recognized as environmentally responsible, making the public aware of the participant's accomplishments. Beldock explains that companies vie for environmental awards given by the government for the prestige associated with such awards, perceived economic value, and public awareness and that the certification mark provided by the program has discernable value in the marketplace, signifying the participant's dedication to environmental concerns and the willingness to be a model environmental citizen [Column 1, lines 32-52, Column 6, lines 10-19].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Beldock to notify an environmental professional in order to quickly obtain remedies to problems, misconduct or wrong-doings that resulted in a failure to comply with predetermined compliance criteria (also providing the benefit of minimizing adverse consequences), and to disseminate a positive, law-abiding corporate value, creating an atmosphere that discourages wrongdoing.

As per claim 18, Beldock does not explicitly teach that said creating step further comprises sorting by a specific chemical.

However, it has been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that it is old and well known in the computing and database arts that database queries select records from one or more tables in a database according to a set of input parameters so that they can be viewed, sorted, analyzed, on a common datasheet. Furthermore, there are a plurality of rules, regulations, and laws governing the usage of chemicals and the composition of chemical products. The compositional information is reviewed periodically for opportunities to change to processes that are more environmentally friendly.

For chemical compounds or compositions, Petke et al. teaches the analysis of :

activity, and distribution (manufacturers must notify the EPA each time it samples or sells any of certain listed chemicals into another country for the first time; the DEA requires a manufacturer to notify them of potential new customers for certain chemicals; the Chemical Warfare Convention limits the sale of certain chemicals; the sale of any chemical to one or more specific customer may be limited) [Column 22, lines 1-3, 33-57]; and

disposition and decomposition (chemical compositions present in chemical products may be ascertained by obtaining a bill of materials comprising the chemical components of the chemical product to be manufactured) [Column 1, lines 56-59, Column 13, lines 7-Column 21, line 10]

Beldock is directed to defining compliance criteria and recording an organization's compliance (or non-compliance) with said criteria. Petke et al. is directed to determining the compliance of chemical products to government regulations. Thus, both Beldock and Petke et al. are both directed to the analogous art of determining an organization's compliance to specific criteria.

Beldock stores data in a database; thus, sorting data enables users to avoid inefficiently scanning large clusters of data to analyze data. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Beldock to include the step of sorting data by chemical, in order to perform the analysis taught by Petke et al. in comparing chemical compositions to a stored set of government regulatory standards to determine compliance and assess a chemical's use rate and disposition for compliance with a plurality of regulations, rules, and laws.

8. Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beldock as applied to claim 1 above, and further in view of Barrett et al. (U.S Patent #6,029,144).

As per claim 8, although not explicitly taught by Beldock, Barrett et al. teaches:

reviewing data in the database for nonconformance with said modified performance criteria **(checking entries against each relevant rule in the rules database 402)** [Column 7, lines 41-48, Claims 1, 13a & 13b]; and

providing notification of nonconformance with said modified performance criteria **(log the rule violation and send, along with a recommendation for action, to the auditor system)** [Column 8, lines 58-60, Claims 1, 13b & 13c].

Beldock is directed to defining compliance criteria and recording an organization's compliance (or non-compliance) with said criteria. Barrett et al. is directed to checking entries for compliance with policy rules. Thus, both Beldock and Barrett et al. are directed to the analogous art of checking an organization's compliance with rules and criteria.

Beldock stores compliance data in a database, which is used to evaluate the participant's compliance and determine whether the participant retains the privilege of displaying a certification mark in conjunction with its goods and advertisements; thus, notification of compliance performance would enable compliant participants to be recognized as environmentally responsible, making the public aware of the participant's accomplishments, and for noncompliant participants to be made aware of their inability to utilize said certification mark and make necessary corrections to inadvertent defects

in its compliance during the short grace period given to participants. Beldock explains that companies vie for environmental awards given by the government for the prestige associated with such awards, perceived economic value, and public awareness and that the certification mark provided by the program has discernable value in the marketplace, signifying the participant's dedication to environmental concerns and the willingness to be a model environmental citizen. Beldock also teaches that participants are given a short period of time in which to correct any inadvertent defects in its compliance [Column 1, lines 32-52, Column 5, line 65 – Column 6, line 19].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Beldock to include the steps of comparing data with compliance requirements, and providing notification of nonconformance with said compliance requirements, because it would provide a basis to benchmark existing programs, identify improvement opportunities and identify potential best practices, and help a business focus on developing and delivering near-perfect products and services, while improving customer satisfaction, and providing an up-to-date assessment (and compliance with all updated applicable rules, laws and regulations) of company practices, further enhancing shareholder values while reducing potential risks to the business.

Although the combined teachings of Beldock and Barrett et al. do not explicitly teach the step of modifying performance criteria, it has been admitted as prior art, as a

result of untimely and/or improperly challenged Official Notice, that compliance criteria needs to be updated to reflect changes in federal, state, and local laws and regulations, program requirements of federal and state-funded programs, and industry standards (such as ISO certification, Quality Control Initiatives, etc.), as well as self-imposed rules and regulations.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Beldock et al. to modify performance criteria, to provide accurate assessments of compliance with all current and valid limitations (as discussed above), as assessing compliance using outdated rules yields a useless result, which may result in undesirable consequences for a failure to comply.

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beldock (U.S Patent #6,490,565) as applied to claim 1 above, and further in view of Smalley et al. (U.S Patent #6,067,549).

As per claim 14, although not explicitly taught by Beldock, Smalley et al. teaches generating a summary report **(enforcement order report)** at a pre-established review period, wherein said report comprises a comparison of said performance information to said performance criteria in the system **(listing violations that need to be addressed, along with the amount of the penalty and corrective actions to be required)** [Column 19, lines 30-47].

Beldock is directed to defining compliance criteria and recording an organization's compliance (or non-compliance) with said criteria. Smalley et al. is directed to managing information on regulated entities pertaining to environmental concerns in order to determine if any violations of regulatory requirements have been made. Thus, both Beldock and Smalley et al. are directed to the analogous art of collecting information to determine if an organization is in compliance with requirements.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Beldock to include the step of generating a summary report, because it would provide a basis to benchmark existing programs, identify improvement opportunities and identify potential best practices, help a business focus on developing and delivering near-perfect products and services, while improving customer satisfaction, ensuring that all activities are in compliance with all applicable rules, laws and regulations, and further enhances shareholder values while reducing potential risks to the business.

Claims 20-24, and 28-37 repeat the limitations of claims 1-18 respectively; therefore, the same rejection applies.

Claims 39-55 repeat the limitations of claims 1-18 respectively; therefore, the same rejection applies.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Choi whose telephone number is (571) 272 6971. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PC

August 31, 2006

Peter Choi
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